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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,300	03/25/2005	Takeshi Konno	CSP-112-A	8915

21828 7590 12/11/2006

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NOVI, MI 48375

EXAMINER

NGUYEN, PHUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/529,300

Applicant(s)

KONNO ET AL.

Examiner

Phung T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/25/05, 02/13/06, 04/11/06, 09/18/06 ,.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 14, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Onuma et al. (US 6,798,337).

Regarding claim 1: Onuma disclose vehicular electronic key system comprising the control apparatus includes a transmitting antenna, the electronic key permits transmission of a response signal in response to receiving of a request signal transmitted from said control apparatus through the transmitting antenna, and said transmitting antenna is installed in the proximity of the center of said vehicle (col. 1, lines 35-44, col. 4, lines 11-14 and 60-67).

Regarding claim 14: Onuma et al. disclose wherein the control apparatus and the electronic key communicate at regular intervals during operation of the vehicle (col. 6, lines 44-51).

Regarding claim 15: Onuma et al. disclose wherein a warning is issued by the control apparatus if communication between the control apparatus and the electronic key fails for a predetermined length of time (col. 6, lines 62-67, and col. 7, lines 1-2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2, 3, and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onuma et al. (US. 6,798,337).

Regarding claim 2: Onuma et al. do not disclose wherein said transmitting antenna is installed at a position within a range from an upper portion the vehicle to a lower portion of the vehicle, and within a range from a point at one fourth of a wheel base to another point at three fourths of the wheel base with reference to the center of a front wheel of said vehicle. Since Onuma et al. disclose the antenna 12a installed inside of the vehicle (col. 4, lines 11-14), it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Onuma et al. in order to have the transmitting antenna is installed at a position within a range from an upper portion the vehicle to a lower portion of the vehicle, and within a range from a point at one fourth of a wheel base to another point at three fourths of the wheel base with reference to the center of a front wheel of the vehicle is desired.

Regarding claim 3: Refer to claim 2 above.

Regarding claim 7: Onuma et al. disclose the control apparatus includes a transmitting antenna, the electronic key permits transmission of a response signal in response to receiving a request signal transmitted from said control apparatus through the transmitting antenna (col. 1, lines 35-44, col. 4, lines 11-14 and 60-67). Onuma et al. teach the transmitting antenna is

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installed on the vehicle. Onuma et al. do not disclose the transmitting antenna is installed on the vehicle in a location which provides a transmission range which includes at least a space occupied by a vehicle operator during vehicle use, such limitation is just a matter of design choice to one of ordinary skill in the art. The location of the transmitting antenna presents no new or unexpected results, so long as the transmitting antenna is successfully received the signal from the electronic key. Therefore, it would have been an obvious design choice to have the transmitting antenna installed on the vehicle in a location which provides a transmission range which includes at least a space occupied by a vehicle operator during vehicle use.

Regarding claim 8: Onuma et al. disclose wherein the transmitting antenna is installed on the vehicle in a location which provides a transmission range including the entire vehicle (fig. 1, col. 4, lines 11-14).

Regarding claim 9: Onuma et al. disclose wherein initiation of operation of the vehicle is permitted only when the electronic key is within the transmission range, and wherein a warning is provided when the electronic key is moved out of the transmission range during operation of the vehicle (col. 3, lines 42-53, and col. 4, lines 38-41).

Regarding claim 10: Onuma et al. disclose wherein the control apparatus and the electronic key communicate at regular intervals during operation of the vehicle (col. 6, lines 44-51).

Regarding claim 11: Onuma et al. disclose wherein a warning is issued by the control apparatus if communication between the control apparatus and the electronic key fails for a predetermined length of time (col. 6, lines 62-67, and col. 7, lines 1-2).

Regarding claim 12: Refer to claim 7 above.

Regarding claim 13: Refer to claim 7 above. Onuma et al. also teach initiation of operation of the vehicle is permitted only when the electronic key is within the transmission range, and a warning is provided when the electronic key is moved out of the transmission range during operation (col. 3, lines 42-53, col. 6, lines 62-67, and col. 7, lines 1-2).

Allowable Subject Matter

5. Claims 4-6 are allowed.

The following is an examiner's statement of reason for allowance:

Regarding claim 4, patentability resides in "the vehicle includes a seat which permits opening and closing movement and a locking apparatus for locking said seat to prevent opening of the seat until a unlocking instruction is supplied thereto; the control apparatus includes a verifier which verifies the response signal and a driver which outputs an unlocking instruction to said locking apparatus when it is discriminated that the response signal is a request from a legal user; and the transmitting antenna is installed on said seat or in the proximity of said seat", in combination with the other limitations of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Nagano [U.S. Pat. 6,944,528] discloses wireless communication system for vehicle.

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b. Heide et al. [U.S. Pat. 6,946,949] disclose anti-theft protection system for a motor vehicle, and a method for operating an anti-theft protection system.

c. Daviaud [U.S. Pat. 6,188,141] discloses device for controlling access to a space closed by a door.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on Monday to Friday from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached on 571-272-2964. The fax number for this Group is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 571-272-2600.

Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', with a long horizontal flourish extending to the right.

Date: December 6, 2006